

REMARKS

FORMAL MATTERS:

Claims 38-42 were examined and rejected. Claims 1-37 were previously cancelled.

By this Amendment, claim 38 has been amended. Support for this amendment is found throughout the specification and particularly in Figures 1, 2 and 28-31 (note that numeral 24 references an endplate of base 36). Accordingly, no new subject matter added.

Claims 38-42 are pending after entry of the amendments set forth herein.

OBJECTIONS TO THE SPECIFICATION

In the Office Action, it was requested that the cross-reference section of the application be amended so that all blanks be filled. Upon filing this application, Applicants also filed a Preliminary Amendment which included all necessary information for the related applications, with all previous blanks being filled. For the Examiner's convenience, Applicants are attaching the previously filed Preliminary Amendment.

REJECTIONS UNDER §112, ¶2

Claims 38-42 were rejected under 35 U.S.C. §112, second paragraph, for the reason that "a second pressure surface" as used in the claims is not properly defined in the specification.

Applicants respectfully disagree with this rejection. The second pressure surface is defined by end 106 of piston 104 as clearly illustrated in Figs. 28-31 and referenced on page 18, line 18. Applicants respectfully request withdrawal of this rejection.

REJECTIONS UNDER §103(A)

Claims 38-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Garcia et al. (U.S. Patent No. 4,637,403) in view of Erickson et al. (U.S. Patent No. 5,582,184).

In its original form, independent claim 38 claims a sampling device having a needle and a first pressure surface which are movable relative to each other. Both the needle and the first pressure surface are movable. In Garcia et al., needle 236 may be movable relative to what the Examiner identifies as the first pressure surface 224, however, the first pressure surface is not movable relative to the needle. To

clarify this distinction, independent claim 38 has been amended to provide a sampling device having a base where the needle and the first pressure surface are movable relative to each and to the base. In Garcia et al. the first pressure surface 224 is not movable to a base or any other component of the device. Combining Garcia et al with Erickson et al. does not support this rejection as Erickson et al., like Garcia et al., does not disclose or teach a first pressure surface movable relative to the needle and to a base. Accordingly, withdrawal of the rejection and allowance of the claims is respectfully requested.


CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number LIFE-090CON4.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 03/16/05

By: 
Carol M. LaSalle
Registration No. 39,740

Enclosure(s): Preliminary Amendment filed on July 3, 2003.

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**PRELIMINARY
AMENDMENT**

Address to:
BOX PATENT APPLICATION
PO Box 1450
Arlington, VA 22313

Attorney Docket No.	LIFE-090CON4
Confirmation No.	To Be Assigned
First Named Inventor	SOPP, JOHn P.
Application Number	To Be Assigned
Filing Date	Herewith
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Title:	Methods of Sampling Body Fluid

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Sir:

Please amend the above-identified patent application prior to examination.

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AMENDMENTS

IN THE SPECIFICATION

Please replace the paragraph on under the section entitled "CROSS-REFERENCE TO RELATED APPLICATIONS" on page 1 of the application with the following new paragraph:

-- This application is a continuing application of U.S. Patent Application Serial No. 10/233,046 filed August 30, 2002 which is a continuing application of U.S. Patent Application Serial No. 09/723,339, filed on November 27, 2000, which is a continuing application of U.S. Patent Application Serial No. 09/264,461, filed March 8, 1999, now U.S. Patent No. 6,152,889 which issued on November 28, 2002, which is a divisional of U.S. Patent Application Serial No. 08/706,663, filed on September 6, 1996, now U.S. Patent No. 5,879,310 which issued on March 9, 1999, which is a continuation-in-part of U.S. Patent Application Serial No. 08/525,390 filed September 8, 1995, now abandoned, and a continuation-in-part of U.S. Patent Application Serial No. 08/525,942 filed September 8, 1995, now U.S. Patent No. 5,879,367 which issued on March 9, 1999, which application(s) and patents are incorporated herein by reference. --

REMARKS

Claims 1-19 are pending in this application.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

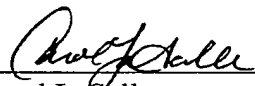
Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

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Respectfully submitted,
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